

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Dawn Food Products, Inc.,

Plaintiff, Case No. 21-10895

v.

Judith E. Levy  
United States District Judge

Bruce VanDyke,

Mag. Judge David R. Grand

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND  
[ECF NO. 30]**

This is a trade secrets case. Plaintiff Dawn Food Products, Inc. alleges that its former employee, Defendant Bruce VanDyke, took its proprietary sales information to his next employer, BakeMark USA, LLC. Before the Court is Plaintiff's motion for leave to amend its complaint to add two additional Defendants, Steven Hill and BakeMark USA. (*See* ECF No. 30.) Plaintiffs also seek to add a conspiracy claim against all proposed Defendants and to add claims against BakeMark USA and Hill. *See id.*

A party seeking to amend a claim, when such an amendment would not be permitted as a matter of course, "may amend its pleading only

with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Leave should be denied where the amendment demonstrates defects "such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc." *Brown v. Chapman*, 814 F.3d 436, 443 (6th Cir. 2016) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)). "To deny a motion to amend, a court must find 'at least some significant showing of prejudice to the opponent.'" *Ziegler v. Aukerman*, 512 F.3d 777, 786 (6th Cir. 2008) (quoting *Moore v. City of Paducah*, 790 F.2d 557, 562 (6th Cir. 1986)).

Defendant previously filed a response in opposition to Plaintiff's motion to amend. (ECF No. 32.) However, during the January 10, 2022 status conference in this case, where the Court indicated its intention to grant the motion, Defendant informed the Court that he no longer opposes Plaintiff's motion. Accordingly, Plaintiff's motion is GRANTED.

IT IS SO ORDERED.

Dated: January 11, 2022  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY

United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 11, 2022.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager